

1 GAYLYNN KIRN CONANT, State Bar No. 161247  
 2 gkc@llcllp.com  
 3 LOMBARDI, LOPER & CONANT, LLP  
 4 Lake Merritt Plaza  
 5 1999 Harrison Street, Suite 2600  
 6 Oakland, CA 94612-3541  
 7 Telephone: (510) 433-2600  
 8 Facsimile: (510) 433-2699

9  
 10 Attorneys for Defendants  
 11 THE REGENTS OF THE UNIVERSITY OF  
 12 CALIFORNIA, ROBERT BIRGENEAU  
 13 CONSTANCE PEPPERS CELAYA, ADAN  
 14 TEJADA, VICTORIA HARRISON, ALLAN  
 15 KOLLING, TOM KLATT and SUSAN VON  
 16 SEEBURG  
 17  
 18

19  
 20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22  
 23

24 CHRISTINE CHANG, individually and as  
 25 Guardian ad Litem for ERIC SUN,  
 26 disabled,

27 Case No. C-07-4005 EMC

28 **CERTIFICATE OF SERVICE**

29 Plaintiffs,

30 v.

31 ROCKRIDGE MANOR  
 32 CONDOMINIUM, et al.,

33 Defendants.

34 I, Noelle Duncan, hereby declare:

35 I am a citizen of the United States, over 18 years of age and not a party to the within  
 36 action. I am employed in the county of Alameda; my business address is 1999 Harrison Street,  
 37 Suite 2600, Oakland, CA 94612-3541.

38 On March 17, 2008, I served the within:

- 39
- 40 • NOTICE OF MOTION AND MOTION TO DISMISS OF DEFENDANTS ROBERT  
 41 BIRGENEAU, CONSTANCE PEPPERS CELAYA, ADAN TEJADA, VICTORIA  
 42 HARRISON AND SUSAN VON SEEBURG PURSUANT TO FRCP 12(b)(6) OR,  
 43 IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT [F.R.C.P. 56]

- 1     • MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION  
2         TO DISMISS PURSUANT TO FRCP 12(b)(6) OR, IN THE ALTERNATIVE,  
3         MOTION FOR SUMMARY JUDGMENT [F.R.C.P. 56];  
4  
5     • DECLARATION OF CONSTANCE PEPPERS CELAYA IN SUPPORT OF  
6         DEFENDANTS' MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) OR, IN  
7         THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT [F.R.C.P. 56]  
8  
9     • DECLARATION OF VICTORIA HARRISON IN SUPPORT OF DEFENDANTS'  
10        MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) OR, IN THE  
11        ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT [F.R.C.P. 56];  
12  
13     • DECLARATION OF SUSAN VON SEEBURG IN SUPPORT OF DEFENDANTS'  
14        MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6) OR, IN THE ALTERNATIVE,  
15        MOTION FOR SUMMARY JUDGMENT [F.R.C.P. 56]; and  
16  
17     • [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS  
18        PURSUANT TO FRCP 12(b)(6) OR, IN THE ALTERNATIVE, MOTION FOR  
19        SUMMARY JUDGMENT [F.R.C.P. 56]

20     on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as  
21     follows:

22     Christine Chang  
23        Individually and as Guardian Ad Litem for Eric Sun  
24        341 Tideway Dr., #214  
25        Alameda, CA 94501

26      **By United States Mail:** I enclosed the document in a sealed envelope or package addressed to the  
27        persons at the addresses listed above and placed the envelope/package for collection and mailing, following  
28        our ordinary business practices. I am readily familiar with this business's practice for collecting and  
29        processing documents for mailing. On the same day that the document is placed for collection and mailing,  
30        it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope  
31        with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if  
32        postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an  
33        affidavit.

34     I am a resident or employed in the county where the mailing occurred. The envelope or package was placed  
35        in the mail at Oakland, California.

36      **By Fax Transmission:** Based on an agreement of the parties to accept service by fax transmission,  
37        I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax  
38        machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

39      **By Overnight Delivery:** I enclosed the documents in an envelope or package provided by an  
40        overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope  
41        or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight  
42        delivery carrier.

- 1     **By Personal Service:** I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with the receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.
- 2     **By Messenger Service:** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed above and providing them to a professional messenger service for service.
- 3
- 4
- 5
- 6

7    I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

8

9

10    Executed on March 17, 2008, at Oakland, California.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

/s/ Noelle Duncan

Noelle Duncan

LOMBARDI, LOPER & CONANT, LLP  
Lake Merritt Plaza  
1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541